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5 AUG 2000

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In re Application of
Thomas AEUGLE, et al.
Application No.: 09/381,323
PCT No.: PCT/EP98/01405
Int. Filing Date: 11 March 1998
Priority Date: 19 March 1997
For: METHOD FOR THE PRODUCTION OF
A VERTICAL MOS TRANSISTOR

**DECISION ON
PETITION
UNDER 37 CFR 1.182**

This decision is in response to applicants' "PETITION TO CORRECT U.S. PATENT AND TRADEMARK OFFICE MISTAKE PURSUANT TO UNDER 37 C.F.R. §1.182" filed by facsimile on 31 July 2000. The petition is being treated as a petition under 37 C.F.R. 1.182 to correct the PCT identification number listed on the first page of the Transmittal Letter (Form PTO-1390) in the above-captioned application from PCT/EP98/01407 to PCT/EP98/01405. The \$130 petition fee has been charged to applicant's Deposit Account No. 08-2290 as authorized in the petition.

BACKGROUND

On 11 March 1998, applicants filed international application PCT/EP98/01405 which claimed priority to an earlier European Patent application filed 19 March 1997.

On 16 September 1999, applicants filed papers to enter the national stage in the United States. On sheet No. 1 of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US), the international application number was erroneously identified as PCT/EP98/01407, albeit the correct international application number, namely PCT/EP98/01405, was listed on sheet No. 2 of same Transmittal Letter, on the Certificate of Mailing by "Express Mail" and on the cover letter of the Information Disclosure Statement

submitted with the Transmittal Letter.

On 31 July 2000, the present petition was filed. Applicants request that the Office correct the international application number on the Transmittal Letter in order to rectify a typographical error in the national stage application papers. A corrected copy Form PTO-1390 was also submitted.

DISCUSSION

A thorough examination of the papers deposited on 16 September 1999 reveals that the first page of the Transmittal Letter apparently included an error since two application numbers were listed on different parts of the Transmittal Letter. Of the two application numbers, PCT/EP98/01407 and PCT/EP98/01405, only the latter is consistent with the filing date, title, file reference number and names of the inventors listed in the Transmittal Letter. Accordingly, applicants' petition for correction of the international application number on the first sheet of the Transmittal Letter may be accepted.

DECISION

In view of the discussion above, the petition under 37 C.F.R. 1.182 to correct the PCT identification number listed on the first page of the Transmittal Letter (Form PTO-1390) in the above-captioned application is GRANTED.

The application is being returned to the DO/EO/US for further processing of this application as the national stage application of PCT/EP98/01405.



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